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By: **Delegate Frush**  
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Reassigned: Environmental Matters, February 12, 2003

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 31, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Yellow Signals**  
3 **and Minimum Speed Thresholds**

4 FOR the purpose of requiring certain agencies primarily responsible for traffic control  
5 at certain intersections with traffic control signal monitoring systems to ensure  
6 that the length of the yellow light change interval, which warns that the traffic  
7 control signal light will turn red, is set ~~for certain minimum times for certain~~  
8 ~~posted approach speeds; establishing a certain minimum speed threshold below~~  
9 ~~which recorded images of motor vehicles entering an intersection against a red~~  
10 ~~signal indication will not be produced in accordance with regulations adopted by~~  
11 ~~the State Highway Administration consistent with certain standards or~~  
12 ~~guidelines established by the Federal Highway Administration; requiring the~~  
13 ~~State Highway Administration to adopt certain regulations by a certain date;~~  
14 and generally relating to the establishment of ~~minimum certain~~ time intervals  
15 for the display of yellow signals ~~and minimum speed thresholds for the~~  
16 ~~production of recorded images of motor vehicles entering intersections against a~~  
17 ~~red signal at an intersection monitored by a traffic control monitoring system.~~

18 BY repealing and reenacting, with amendments,  
19 Article - Transportation  
20 Section 21-202.1  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 21-202.1.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Agency" means:

5 (i) For a traffic control signal operated and maintained at an  
6 intersection under the control of the State, the law enforcement agency primarily  
7 responsible for traffic control at that intersection; or8 (ii) For a traffic control signal operated and maintained at an  
9 intersection under the control of a political subdivision, a law enforcement agency of  
10 the political subdivision that is authorized to issue citations for a violation of the  
11 Maryland Vehicle Law or of local traffic laws or regulations.12 (3) (i) "Owner" means the registered owner of a motor vehicle or a  
13 lessee of a motor vehicle under a lease of 6 months or more.14 (ii) "Owner" does not include a motor vehicle rental or leasing  
15 company or a holder of a special registration plate issued under Part III of Title 13,  
16 Subtitle 9 of this article.17 (4) "Recorded images" means images recorded by a traffic control signal  
18 monitoring system:

19 (i) On:

- 20 1. Two or more photographs;
- 
- 21 2. Two or more microphotographs;
- 
- 22 3. Two or more electronic images;
- 
- 23 4. Videotape; or
- 
- 24 5. Any other medium; and

25 (ii) Showing the rear of a motor vehicle and, on at least one image  
26 or portion of tape, clearly identifying the registration plate number of the motor  
27 vehicle.28 (5) "Traffic control signal monitoring system" means a device with one or  
29 more motor vehicle sensors working in conjunction with a traffic control signal to  
30 produce recorded images of motor vehicles entering an intersection against a red  
31 signal indication.32 (B) THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN  
33 INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM  
34 SHALL ENSURE THAT THE LENGTH OF TIME THAT A TRAFFIC CONTROL SIGNAL

1 DISPLAYS A YELLOW LIGHT BEFORE CHANGING TO A RED SIGNAL INDICATION IS SET  
2 ~~FOR THE FOLLOWING MINIMUM TIME PERIODS: IN ACCORDANCE WITH~~  
3 ~~REGULATIONS ADOPTED BY THE STATE HIGHWAY ADMINISTRATION CONSISTENT~~  
4 ~~WITH STANDARDS OR GUIDELINES ESTABLISHED BY THE FEDERAL HIGHWAY~~  
5 ~~ADMINISTRATION.~~

6           (1)     ~~WHERE THE POSTED APPROACH SPEED IS 25 MILES PER HOUR OR~~  
7 ~~LESS, NOT LESS THAN 3.0 SECONDS;~~

8           (2)     ~~WHERE THE POSTED APPROACH SPEED IS 30 MILES PER HOUR, NOT~~  
9 ~~LESS THAN 3.2 SECONDS;~~

10          (3)     ~~WHERE THE POSTED APPROACH SPEED IS 35 MILES PER HOUR, NOT~~  
11 ~~LESS THAN 3.6 SECONDS;~~

12          (4)     ~~WHERE THE POSTED APPROACH SPEED IS 40 MILES PER HOUR, NOT~~  
13 ~~LESS THAN 3.9 SECONDS;~~

14          (5)     ~~WHERE THE POSTED APPROACH SPEED IS 45 MILES PER HOUR, NOT~~  
15 ~~LESS THAN 4.3 SECONDS;~~

16          (6)     ~~WHERE THE POSTED APPROACH SPEED IS 50 MILES PER HOUR, NOT~~  
17 ~~LESS THAN 4.7 SECONDS;~~

18          (7)     ~~WHERE THE POSTED APPROACH SPEED IS 55 MILES PER HOUR, NOT~~  
19 ~~LESS THAN 5.0 SECONDS;~~

20          (8)     ~~WHERE THE POSTED APPROACH SPEED IS 60 MILES PER HOUR, NOT~~  
21 ~~LESS THAN 5.4 SECONDS; AND~~

22          (9)     ~~WHERE THE POSTED APPROACH SPEED IS 65 MILES PER HOUR, NOT~~  
23 ~~LESS THAN 5.8 SECONDS.~~

24    (C)     ~~THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN~~  
25 ~~INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM~~  
26 ~~SHALL ENSURE THAT THE MINIMUM SPEED THRESHOLD, BELOW WHICH A~~  
27 ~~RECORDED IMAGE OF A MOTOR VEHICLE ENTERING AN INTERSECTION AGAINST A~~  
28 ~~RED SIGNAL INDICATION IS NOT PRODUCED, IS SET FOR NO MORE THAN 12 MILES~~  
29 ~~PER HOUR.~~

30    [(b)]   ~~(D)~~    (C)     This section applies to a violation of § 21-202(h) of this subtitle  
31 at an intersection monitored by a traffic control signal monitoring system.

32    [(c)]   ~~(E)~~    (D)     (1)     Unless the driver of the motor vehicle received a citation  
33 from a police officer at the time of the violation, the owner or, in accordance with  
34 subsection [(f)(5)] ~~(H)(5)~~ (G)(5) of this section, the driver of a motor vehicle is subject to  
35 a civil penalty if the motor vehicle is recorded by a traffic control signal monitoring  
36 system while being operated in violation of § 21-202(h) of this subtitle.

37           (2)     A civil penalty under this subsection may not exceed \$100.

1 (3) For purposes of this section, the District Court shall prescribe:

2 (i) A uniform citation form consistent with subsection [(d)(1)] ~~(E)(1)~~  
3 ~~(E)(1)~~ of this section and § 7-302 of the Courts and Judicial Proceedings Article; and

4 (ii) A civil penalty, which shall be indicated on the citation, to be  
5 paid by persons who choose to prepay the civil penalty without appearing in District  
6 Court.

7 [(d)] ~~(F)~~ (E) (1) Subject to the provisions of paragraphs (2) through (4) of  
8 this subsection, an agency shall mail to the owner liable under subsection [(c)] ~~(E)~~ (D)  
9 of this section a citation which shall include:

10 (i) The name and address of the registered owner of the vehicle;

11 (ii) The registration number of the motor vehicle involved in the  
12 violation;

13 (iii) The violation charged;

14 (iv) The location of the intersection;

15 (v) The date and time of the violation;

16 (vi) A copy of the recorded image;

17 (vii) The amount of the civil penalty imposed and the date by which  
18 the civil penalty should be paid;

19 (viii) A signed statement by a technician employed by the agency  
20 that, based on inspection of recorded images, the motor vehicle was being operated in  
21 violation of § 21-202(h) of this subtitle;

22 (ix) A statement that recorded images are evidence of a violation of  
23 § 21-202(h) of this subtitle; and

24 (x) Information advising the person alleged to be liable under this  
25 section:

26 1. Of the manner and time in which liability as alleged in the  
27 citation may be contested in the District Court; and

28 2. Warning that failure to pay the civil penalty or to contest  
29 liability in a timely manner is an admission of liability and may result in refusal or  
30 suspension of the motor vehicle registration.

31 (2) The agency may mail a warning notice in lieu of a citation to the  
32 owner liable under subsection [(c)] ~~(E)~~ (D) of this section.



1 (v) Any other issues and evidence that the District Court deems  
2 pertinent.

3 (2) In order to demonstrate that the motor vehicle or the registration  
4 plates were stolen before the violation occurred and were not under the control or  
5 possession of the owner at the time of the violation, the owner must submit proof that  
6 a police report about the stolen motor vehicle or registration plates was filed in a  
7 timely manner.

8 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this  
9 subsection, the person named in the citation shall provide to the District Court  
10 evidence to the satisfaction of the court of who was operating the vehicle at the time  
11 of the violation, including, at a minimum, the operator's name and current address.

12 (4) (i) The provisions of this paragraph apply only to a citation that  
13 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or  
14 more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with  
15 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

16 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this  
17 subsection, the person named in a citation described under subparagraph (i) of this  
18 paragraph may provide to the District Court a letter, sworn to or affirmed by the  
19 person and mailed by certified mail, return receipt requested, that:

20 1. States that the person named in the citation was not  
21 operating the vehicle at the time of the violation; and

22 2. Provides the name, address, and driver's license  
23 identification number of the person who was operating the vehicle at the time of the  
24 violation.

25 (5) (i) If the District Court finds that the person named in the citation  
26 was not operating the vehicle at the time of the violation or receives evidence under  
27 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the  
28 time of the violation, the clerk of the court shall provide to the agency issuing the  
29 citation a copy of any evidence substantiating who was operating the vehicle at the  
30 time of the violation.

31 (ii) Upon the receipt of substantiating evidence from the District  
32 Court under subparagraph (i) of this paragraph, an agency may issue a citation as  
33 provided in subsection [(d)] ~~(E)~~ of this section to the person that the evidence  
34 indicates was operating the vehicle at the time of the violation.

35 (iii) A citation issued under subparagraph (ii) of this paragraph  
36 shall be mailed no later than 2 weeks after receipt of the evidence from the District  
37 Court.

38 [(g)] ~~(H)~~ (H) If the civil penalty is not paid and the violation is not contested,  
39 the Administration may refuse to register or reregister or may suspend the  
40 registration of the motor vehicle.

1     [(h)]   ~~(G)~~    (I)     A violation for which a civil penalty is imposed under this  
2 section:

3           (1)     Is not a moving violation for the purpose of assessing points under §  
4 16-402 of this article and may not be recorded by the Administration on the driving  
5 record of the owner or driver of the vehicle;

6           (2)     May be treated as a parking violation for purposes of § 26-305 of this  
7 article; and

8           (3)     May not be considered in the provision of motor vehicle insurance  
9 coverage.

10    [(i)]   ~~(K)~~    (J)     In consultation with local governments, the chief judge of the  
11 District Court shall adopt procedures for the issuance of citations, the trial of civil  
12 violations, and the collection of civil penalties under this section.

13    SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway  
14 Administration shall adopt regulations carrying out the provisions of § 21-202.1(b) of  
15 the Transportation Article of the Annotated Code of Maryland as provided in Section  
16 1 of this Act by October 1, 2003.

17    ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
18 effect October 1, 2003.